

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SIMONE MATA HERNANDEZ,

Defendant.

Case No. CR05-5208FDB

ORDER DENYING MOTION FOR
RETURN OF SEIZED PROPERTY

Defendant was sentenced on December 9, 2005 upon his plea to Count 1 of possession with attempt to distribute methamphetamine. The Judgment of the District Court was affirmed by the Ninth Circuit Court of Appeals on December 12, 2006, as shown by Mandate of January 8, 2007. Defendant now brings a motion for return of seized property.

Defendant seeks return of \$2,770.00 in U.S. currency that he asserts was confiscated by United States Drug Enforcement Agency agents on January 18, 2005. Defendant contends that these funds were not proceeds of the crime of which he was convicted nor was it seized by the Government for the purpose of forfeiture.


The United States responds that Defendant was arrested by Grays Harbor County law enforcement not by DEA federal agents; that the property was seized and forfeited by Grays Harbor

1 County, not the U.S. Government; and that Grays Harbor County properly notified Defendant of its
2 intent to seize certain property and served Defendant with the Order of Forfeiture, referencing Ex. 1
3 to its Response. Thus, the United States argues that any dispute regarding the seized property must
4 be lodged with Grays Harbor County officials not the Federal government.

5 Having considered Defendant's motion, the Government's response, the record herein, and
6 being fully advised, the Court agrees that Defendant must bring any dispute with respect to the
7 forfeiture to the attention of Grays Harbor officials. NOW, THEREFORE,

8 IT IS ORDERED: Defendant's Motion for Return of Seized Property [Dkt. # 159] is
9 DENIED.

10 DATED this 5th day of February, 2009.

11
12 
13 FRANKLIN D. BURGESS
14 UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25